

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 dt.12.6.2018 TW (LTR) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs.Rc.No.C3/2596/2019-15, dt.31.01.2020 - Appeal filed by Jadhav Ramadevi, D/o.Ganesh, R/o.Utnoor Village & Mandal of Adilabad District– Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 25

Dated: 16-11-2020

Read the following:-

1. G.O. Ms.No.24, TW (LTR) Department, dated 12.6.2018.
2. Procs.Rc.No.C3/2596/2019-15, dt.31.01.2020 of Collector & District Magistrate, Adilabad District
3. Appeal petition filed by Jadhav Ramadevi, D/o. Ganesh, R/o.Utnoor Village & Mandal of Adilabad District, dated .02.2020.
4. Govt.Memo.No.274/TW.LTR/2020, dated 28.05.2020
5. Lr.Rc.No.D5/309/2018, dated: 30.07.2020. of PO, ITDA, Utnoor, Adilabad District.
6. Notice No.274/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad in her Procs.Rc.No.C3/2596/2019-15, dated 31.01.2020, has issued orders in the reference 2nd cited, has cancelled Agency Area ST Certificate bearing Rc.No.C/352/2019, dt.16.07.2019 issued by the Tahsildar, Utnoor to the Appellant Jadhav Ramadevi D/o Ganesh R/o Utnoor (vg) of Utnoor Mandal of Adilabad District, basing on the following findings of the Scrutiny Committee.

- On verification of land documents and family tree submitted by the applicant, it is found that as per Wasool Baqui 1355 Fasli (1945 YEAR) of Hasnapur village at Sy.No.12 gts in the name of Sri Govinda S/o Roopla (great grand grandfather's brother) is recorded. As per sale deed executed on 11.06.1955 Sri Tulsiram S/o Roopla (great grandfather) purchased the land from Shaik Hyder pertaining to Sy.No.180 ext.Ac.6.28 gts. and as per subsequent pahanies (1961-62 to 1983-84) at Sy.No.180 Gobriya S/o Tulsiram (grandfather) and as per pahanies (1991-92 to 1998-99) Gobriya S/o Tulsiram (grandfather) is recorded. As per new PPB at Sy.No.180/2 Sri Jadhav Ganesh S/o Gobriya (father is recorded).
- Thus, it is revealed that the Sy.No.180 land ext. Ac.6.28 gts is purchased land during the year 1955, but not the land inherited from forefather that is objectionable.
- Moreover, as per Wasool baqui submitted by the applicant, Sy.No.12 is changed to Sy.No.164 & 165 (New), but the Sy.No.180 which is presently with the applicant's father for which the candidate has failed to provide documentary evidence about the forefather's land.

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- As per the unattested copy of voter list 1971, 237-Boath AC, Utnoor at Sl.No.347 with H.No.2-97 Sri Gobriya S/o Thulsiram (grandfather) is available and as per the unattested copy of voter list 1977 at Sl.No.1190, H.No.5-97 Sri Paryamalava Gobriya S/o Thulsiram is available.
- The candidate has failed to prove the relationship between Govinda S/o Rupla and Thulsiram S/o Rupla as brotherhood and it is not tallied/not established that is objectionable.
- Hence, it is clearly revealed that the family members of the appellant have not been continuously residing in the Agency Scheduled Area since 1950 or before.
- A show cause notice was issued to Jadhav Ramadevi D/o Ganesh R/o Utnoor Village of Utnoor Mandal of Adilabad District to attend before the District Collector, Adilabad on 28.01.2020 to prove her claim as Local ST with relevant material/documents. Accordingly, she attended before the District Collector on 28.01.2020 and submitted reply in writing stating that her great grandfathers are three 1) Govind, 2)Thulsiram and 3) Ganna but failed to establish the relationship and the Sy.Nos. claimed are different Sy.Nos. also. The sale transaction raises about on the claim of inheritance. As per the findings of the Scrutiny Committee, she has failed to prove that the forefathers/family members are residing continuously in the Agency Scheduled Area since 1950 or before.

3. Aggrieved by the above cancellation orders of the District Collector, Adilabad, the Appellant Jadhav Ramadevi, D/o Ganesh R/o Utnoor Village of Utnoor Mandal of Adilabad District has submitted Appeal before the Government under GO Ms.No.24, dt.12.6.2018, The contention of Jadhav Ramadevi D/o.Ganesh and the documents submitted along with the Appeal and also during the hearing on 05.9.2020 are as follows:

- She has been selected for the post of TRT under Agency Scheduled Tribe Category of Adilabad District.
- During verification of documents by the committee, she did not have certain papers to produce and that now she has collected all the documents and submitted herewith following documents along with the Appeal.
- According to pahani of 1945 Sri Govinda S/o Roopla is found in Sy.No.12 extent 14.02 acres situated in Hasnapur village of Utnoor Mandal, who is also brother of her grandfather by name Sri Tulsiram. Here Sri Govinda, Sri Tulsiram and Sri Ganna are real three brothers whereas Govinda has Government land in Sy.No.12 extent 14.02 acres and Sri Tulsiram and Ganna have no land in the village even though they are residents of Hasnapur village.
- However, Sri Tusiram S/o Roopla has purchased land of 6.28 acres in Sy.No.180 for a consideration of Rs.600/- situated at Hasnapur village in the year 1955 on 11.06.1955 vide Doc.No.A136047 on stamp paper worth Rs.2/- from Shaik Hyder. This land was transferred in favour of Jamini Bai W/o Tulsiram in the year 1961-62 and later mutated in favour of Sri Gobriya S/o Tulsiram after her death, who continued in this land till 2004-05. Then after expiry of Gobriya, this land was mutated in favour of his wife Smt.Sonabai who was in possession of this land till 2014-15 and after expiry of Sonabai, this land was mutated in favour of Sri Ganesh S/o Gobriya, who is father of the appellant.

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- The above three brothers viz., 1) Govinda, 2) Tulsiram and 3) Ganna died before 1977, therefore, their names were not found in the voter list of 1977. However, the Gram Panchayat Hasnapur (Shyamnaik Thanda) has passed a resolution stating that Govinda, Tulsiram and Ganna are real brothers.
 - Till the present, the land bearing Sy.No.180/2 extent 6.28 acres stand patta in the name of Jadhav Ganesh S/o Gobriya.
 - The Scrutiny Committee headed by Project Officer ITDA Utnoor, RDOs of concerned Divisions as Members did not verify the papers properly and gave her only (3) days time for submission of documents. As she could not get certificates from Tahsildar, Utnoor, within the stipulated time fixed by the Scrutiny Committee, the Committee has rejected her request for appointment and submitted proposals to the District Collector.
 - The District Collector, Adilabad basing on the report submitted by the Scrutiny Committee has issued orders rejecting her request in TRT for the above reasons.
 - She stated that she was made to run from pillar to post by the officers concerned to collect her papers and in spite of her best efforts put in this cause, she could not get the documents in time.
 - The officers without giving any more chance to her, have taken a decision rejecting her request. Had she was given some time, she could have submitted all the papers required as desired by the Scrutiny Committee being bonafide candidate of the Agency area since her birth as all her family members as shown above also hail from Agency area and deserve the benefit in TRT.
 - Thus, the per curium decision taken by the officers without giving her some more time amounts to travesty of natural justice due to which she was subjected to face embarrassing situation in her case.
4. Therefore, the appellant prayed the Government to take her request into consideration and give her appointment orders in TRT category.

Documents submitted along with Appeal Petition and also during hearing on 05.9.2020.

- i) Family Tree on NJ stamp worth Rs.20/- duly Notarized by Ghanshyam Lal Gupta, Advocate and Notary Public, Govt. of Telangana, Utnoor – As per the family tree – Roopla is great grand grandfather and he has three sons viz., 1) Govinda, 2) Tulasiram (great grandfather of appellant) and 3) Ganna. Tulasiram (great grandfather of appellant) has four sons viz., 1) Mersingh, 2) Hari, 3) Gobriya (grandfather of appellant and 4) Mangalchand. Gobriya (grandfather of appellant) has three sons viz., 1) Parashuram, 2) Doodram and 3) Ganesh (father of appellant). Ganesh i.e. father of Appellant has four children viz., 1) Hitesh Kumar (son), 2) Ramadevi (daughter and appellant herein), 3) Ganga (daughter) and 4) Pooja (daughter).
- ii) Copy of Wasool Baqui showing Khata No.27 in the name of Govind showing an extent of acs.14.21 gts. (Sy.No.164), translated by Sri Nagorao Jhade, Marathi Modi Translator R/o Mahagaon, Mdl: Narnoor and attested by the Asst.Director, Survey & Land Records, Adilabad.

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- iii) Copy of Nakal Sethwar – showing Sy.No.164 for an extent of Acs.14.2 gts. in the name of Govind S/o Rupla as translated by Sri Nagorao Jhade, Marathi Modi Translator R/o Mahagaon, Mdl: Narnoor and attested by the Asst. Director, Survey & Land Records, Adilabad.
- iv) Translated copy of Sale Deed (translated from urdu to English by Mohammed Aleemuddin, Notary Advocate & Translator, appointed by Government of AP, Ram Nagar, Adilabad) wherein Sri Shaik Hyder S/o Mohammed Masoom R/o Utnoor executed the sale deed his land admeasuring Acs.6.28 guntas situated in Sy.No.180 at Hasnapur village of Utnoor Taluq to Sri Tulsiram S/o Roopla R/o Hasnapur village (i.e. great grandfather of appellant) for a sale consideration of Rs.600/- (Rupees Six hundred only) on 11.6.1955 to which Jodhang S/o Somla and Amber Singh S/o Vella stood as witnesses.
- v) Copy of pahani for the year 1961-62 – Sy.No.180 showing name of Jamini Bai W/o Tulsiram (great grandmother of appellant)
- vi) Copy of pahani for the year 1963-64 – Sy.No.180 showing name of Jamini Bai W/o Tulsiram (great grandmother of appellant)
- vii) Copy of pahani for the year 1964-65 – Sy.No.180 showing name of Jamini Bai W/o Tulsiram (great grandmother of appellant)
- viii) Copy of pahani for the year 1983-84 – Sy.No.180/1 showing name of Hari S/o Tulsiram (grandfather) and Sy.No.180/2 showing name of Gobriya S/o Tulsiram (grandfather of appellant).
- ix) Copy of pahani for the year 1984-85 -do-
- x) Copy of pahani for the year 1991-92 - do-
- xi) Copy of pahani for the year 1993-94 -do-
- xii) Copy of pahani for the year 1996-97 -do-
- xiii) Copy of pahani for the year 1998-99 -do-
- xiv) Copy of pahani for the year 2004-05 -do-
- xv) Copy of pahani for the year 2011-12 – Sy.No.180/2 showing name of Jadhav Sonabai W/o Gobriya (grandmother of appellant) for an extent of Acs.6.28 gts.
- xvi) Copy of pahani for the year 2012-13 - -do-
- xvii) Copy of pahani for the year 2014-15 – Sy.No.180/2 showing name of Jadhav Sonabai W/o Gobriya (grandmother of appellant) for an extent of Acs.6.28 gts.
- xviii) Copy of pahani for the year 2019 – Sy.No.180/2 showing name of Sri Jadhav Ganesh S/o Gobriya for an extent of Acs.6.28 gts. (father of appellant).
- xix) Voter list for the year 1971 – Sl.No.917 shows name of Gobriya S/o Tulsiram (grandfather of appellant) and Sl.No.918 shows name of Sonabai W/o Gobriya (grandmother of appellant) .
- xx) Voter list for the year 1977 – Sl.No.1191 shows name of Sonabai W/o Gobriya (grandmother of appellant).

xxi) Gram Panchayath Shamanaikthanda resolution dt.27.12.2019 (in original) – wherein it was resolved that late Jadhav Govind, late Jadhav Tulsiram (great grandfather) of appellant) and late Jadhav Ganna were the sons of late Jadhav Roopla (great grand grandfather of appellant); late Jadhav Tulsiram (great grandfather of appellant) is younger brother to late Jadhav Govinda and elder brother to late Jadhav Ganna. All these are great grand/grand fathers of the appellant Kumari Jadhav Ramadevi D/o Jadhav Ganesh. The Gram Panchayath further resolved that the appellant and her ancestors have been continuously living i.e. since 1945 in Sankarthanda of Hasnapur Gram Panchayat (now in Shamanaikthanda Gram Panchayath).

xxii) Another declaration given by the village elders of Gram Panchayath Shamanaikthanda (attested by Sarpanch of Gram Panchayath Shamanaikthanda) wherein the village elders viz., 1) Jadhav Amarsingh S/o Devula, 85 years, 2) Jadhav Parsuram S/o Goriyaba, aged 75 years and 3) Jadhav Dudiram S/o Mathru, aged 65 years have stated that Jadhav Ramadevi D/o Jadhav Ganesh are the continuous residents of Hasnapur village of Utnoor Mandal since 1950.

5. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with parawise remarks.

6. Accordingly, vide reference 5th read above, the Project Officer, ITDA, Utnoor, Adilabad District has submitted original record of the case along with para-wise remarks.

7. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant, who attended for the hearing on 5.9.2020, and submitted the documents as submitted along with Appeal Petition.

8. The documents available on the record and documents submitted by the Appellant Jadhav Ramadevi D/o Ganesh along with Appeal and during hearing on 5.9.2020, it is proved that the appellant and her ancestors are residents of Hasnapur, an agency village in Utnoor Mandal of Adilabad District since 26.1.1950 as required under GO Ms.No.24 Dt.12.06.2018 of TW(LTR.1) Department.

9. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the Appeal petition, during hearing on 5.9.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018 it is found that the Appellant and her ancestors are the residents of Hasnapur village, Utnoor Mandal of Adilabad district which is schedule area. As such LSTAC bearing C.No.C/352/2019 dated 16.7.2019 issued by the Tahsidar Utnoor Mandal, to the Appellant Jadhav Ramadevi D/o Ganesh R/o Utnoor (vg) of Utnoor Mandal of Adilabad District is found genuine and valid.

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10. Accordingly, Government hereby set aside orders of the District Collector, Adilabad in Procs.Rc.No.C3/2596/2019-15, dated 31.01.2020 and allow the Appeal Petition filed by the appellant Jadhav Ramadevi D/o Ganesh R/o Hasnapur Village of Utnoor Mandal of Adilabad District.

11. The District Collector, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECERETARY TO GOVERNMENT**

To

The District Collector, Adilabad District.

Jadhav Ramadevi D/o Ganesh R/o Hasnapur village of Utnoor
Mandal of Adilabad District.

Copy to:

- 1.The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action).
2. The Project Officer, ITDA Utnoor, Adilabad District (for information &
necessary action)
3. The District Educational Officer, Adilabad (for information &
necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER